

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICT**

JP MORGAN CHASE BANK, NATIONAL)
ASSOCIATION,)
Plaintiff,)
v.) Case No. 1:19-CV-05770
ROBERT KOWALSKI, AKA ROBERT M.)
KOWALSKI; UNKNOWN OWNERS AND)
NON-RECORD CLAIMANTS; CHICAGO)
TITLE LAND TRUST COMPANY s/i/i TO)
BRIDGEVIEW BANK GROUP FKA)
BRIDGEVIEW BANK AND TRUST COMPANY,)
AS TRUSTEE UNDER TRUST AGREEMENT)
DATED APRIL 24, 1993 AND KNOWN AS)
TRUST NUMBER 1-2228; MARTHA)
PADILLA; FEDERAL DEPOSIT INSURANCE)
CORPORATION, AS RECEIVER FOR)
WASHINGTON FEDERAL BANK FOR)
SAVINGS,)
Defendants.)

JOINT STATUS REPORT ON DISCOVERY

The parties hereby jointly submit this Status Report on Discovery pursuant to Court Order.

(See Dkt. 161).

A. PROGRESS ON DISCOVERY

1. The remote deposition of Defendant Martha Padilla was completed on September 27, 2021. At the deposition and on the record, Padilla agreed to produce documents concerning transfer of the beneficial interest in the subject property to her. The production of those documents by Padilla remains outstanding.

2. Plaintiff JPMorgan Chase Bank, National Association (“Chase”), Defendant
Federal Deposit Insurance Corporation, as Receiver for Washington Federal Bank for Savings (the

“FDIC-R”), and Defendant Martha Padilla otherwise have completed fact discovery in compliance with the September 30, 2021 discovery deadline.

3. Discovery remains stayed as to Third-Party Defendant First Midwest Bank pending disposition of First Midwest Bank’s *Motion to Dismiss Padilla’s First Amended Third-Party Complaint*. (See Dkt. 141.)

4. Defendant Martha Padilla proposes a stay of expert discovery in this case pending resolution of *First Midwest Bank’s Motion to Dismiss Padilla’s First Amended Third-Party Complaint* and *Chase’s Motion for Summary Judgment as to the First Affirmative Defense of Defendant Martha Padilla*.

5. Chase does not oppose this proposed stay. First Midwest Bank does not have a position on this proposed stay.

6. Defendant FDIC-R opposes a stay of expert discovery at this time. The FDIC-R’s position is that Martha Padilla raises the defense of forgery to the Second Amended Counterclaim and has the burden to prove that defense. If she needs to offer expert testimony to support her defense, then such expert discovery, which is not affected by the third-party complaint against First Midwest Bank, should not be stayed.

B. PROGRESS ON SETTLEMENT DISCUSSIONS.

There has not been any significant progress on settlement since the settlement conference on May 13, 2021.

C. ANY OTHER ISSUES TO REPORT TO THE COURT.

First Midwest Bank’s *Motion to Dismiss Padilla’s First Amended Third-Party Complaint* is now fully briefed. Plaintiff *JPMorgan Chase Bank, N.A.’s Motion for Summary Judgment as to the First Affirmative Defense of Defendant Martha Padilla* also is fully briefed.

SUBMITTED JOINTLY AND BY AGREEMENT OF THE PARTIES:

Date: September 30, 2021

**PLAINTIFF JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION**

/s/ Shana A. Shifrin

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**DEFENDANT FEDERAL DEPOSIT
INSURANCE CORPORATION,
AS RECEIVER FOR WASHINGTON
FEDERAL BANK FOR SAVINGS**

/s/ Eric S. Rein

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DEFENDANT MARTHA PADILLA

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**THIRD-PARTY DEFENDANT FIRST
MIDWEST BANK**

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